

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**PEACH BLOSSOM DEVELOPMENT CO.,
INC.,**

Plaintiff,

v.

**THE FEDERAL DEPOSIT INSURANCE
CORPORATION as receiver of PIEDMONT
COMMUNITY BANK; and THE FEDERAL
DEPOSIT INSURANCE CORPORATION as
receiver of MOUNTAIN HERITAGE BANK,**

Defendants.

Civil Action No. 5:12-CV-394 (HL)

ORDER

This case is currently stayed pursuant to an order entered on June 27, 2013. Counsel are ordered to file a written report as to the status of this case no later than January 17, 2014.

The Court notes that while a notice of Plaintiff's bankruptcy was filed by the FDIC on December 6, 2013, this case is not subject to an automatic stay under the Bankruptcy Code. The Code states that the filing of a bankruptcy petition operates as a stay of "the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the [bankruptcy] case." 11 U.S.C. § 362(a)(1). The plain language of the statute shows that only actions

against the debtor - not actions initiated by the debtor - are stayed when the debtor files for bankruptcy. Because the debtor is the Plaintiff in this case, the automatic stay does not apply.

SO ORDERED, this the 3rd day of January, 2014.

/s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh